



## **BULLETIN B 02-08**

**TO: ALL INSURERS TRANSACTING HEALTH INSURANCE IN ALASKA AND OTHER INTERESTED PARTIES**

**RE: COVERAGE OF PRESCRIPTION CONTRACEPTIVES**

On December 14, 2000 the U.S. Equal Employment Opportunity Commission (EEOC) issued a decision on coverage of prescription contraceptives. The EEOC concluded that, pursuant to the Pregnancy Discrimination Act, employers may not discriminate in their health insurance plan by denying benefits for prescription contraceptives when they provide benefits for other prescription drugs and devices.

On June 12, 2001, U.S. District Court Judge Robert S. Lasnik, issued a summary judgement in *Erickson v. Bartell Drug Company*, 141 F. Supp.2d 1266 (W.D. Wa. 2001) in favor of Erickson finding that exclusion of prescription contraceptives from Bartell's comprehensive prescription drug plan constituted discrimination on the basis of sex in violation of Title VII, of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act.

Based on the EEOC decision and U.S. District Court ruling, in order for employers to avoid violation of Title VII, insurance coverage offered to employees should provide coverage for prescription contraceptives to the same extent that the plan provides coverage for other prescription drugs or devices. The division requests your assistance in spreading the word to employers with whom you do business, thereby assuring that they remain in compliance with Title VII by providing comparable coverage for prescription contraceptives when they cover other prescription drugs and devices.

Dated this 16th day of April 2002, at Anchorage, Alaska.

A handwritten signature in black ink, appearing to read "Robert A. Lohr".

Robert A. Lohr  
Director